

Serial No. 10/727,675

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------|-------------------------------------|-------------------|---------------------|
| Applicant: | Bachinski et al. | Examiner: | Julie Bichngoc Lieu |
| Serial No.: | 10/727,675 | Group Art Unit: | 2636 |
| Filed: | December 4, 2003 | Docket No.: | 12929.1076USC1 |
| Customer No.: | 23552 | Confirmation No.: | 8465 |
| Title: | Detection and Air Evacuation System | | |

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 408492593 US
Date of Deposit: December 22, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 
Name: David J. Ortiz

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, HON Technology Inc., a corporation organized and existing under the laws of the State of Iowa and having its primary place of business at 414 East Third Street, P.O. Box 1109, Muscatine, Iowa 52761-7109, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/727,675, filed on December 4, 2003 and entitled "Detection and Air Evacuation System," by virtue of the assignment recorded at Reel 015197, Frame(s) 0350.


Petitioner, HON Technology Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,774,802 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,774,802, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,774,802, in the event that United States Patent No. 6,774,802 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney of record.

Respectfully submitted,
MERCHANT & GOULD P.C.
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Date: December 22, 2004


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RAK:pll